

REMARKS

Among claims 1-13 which were pending in the application, claims 1-7 and 13 were rejected. Applicants continue to appreciate the allowance of claims 8-12. For the reasons hereafter set forth, Applicants respectfully traverse the outstanding rejection.

Claims 1-7 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,297,572 (“Sunaga”) in the Office Action mailed May 14, 2002. In response to this rejection, Applicants argued that the rejection was improper because:

the claims recite that the switching section and the control section are both part of the drive circuit that is mounted on the circuit substrate. In other words, both of these sections must be part of the same circuit substrate. Further, the two respective sections are exposed to first and second chambers separated by a partition wall.

In contrast to the aforementioned limitations of claims 1 and 13, in Sunaga, a motor control circuit 31 is provided on a *control circuit substrate* 33 (col. 6, lines 9-12) whereas a first drive circuit FD, having a plurality of switching elements, is provided on an *aluminum substrate* 41 (col. 6, lines 28-34). Clearly, the control circuit and the switching elements are not provided on the same circuit substrate, as required by claims 1 and 13. Moreover in this regard, Sunaga does not have these respective sections on the same circuit substrate, with a partition wall forming two chambers, with each section exposed in the respective chamber.

In response to the aforementioned argument, the Examiner issued an Advisory Action in which the Examiner maintained the prior rejection on the ground that because the claims were open-ended (*i.e.*, written in “comprising:” format), the recitation of “a circuit substrate” could be construed as more than one circuit substrate. Applicant strongly disagrees with this interpretation of the rule regarding construction of the transition “comprising.”

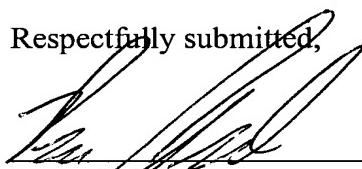
The rule is that by using “comprising,” a device can be found to infringe if it contains every recited limitation regardless of whether it also contain non-recited features. Contrary to the Examiner’s interpretation, the rule does not allow for actually recited limitations to be broaden beyond the scope of the recitation (thus, “a circuit substrate” can not be construed to be anything other than “a single circuit substrate”). However, at the Examiner’s direction and in this interest of advancing prosecution, Applicants have added “single” to the recitation of “a circuit substrate” in each of independent claims 1 and 13. Accordingly, in light of the Examiner’s comments in the Advisory Action, Applicants assert that independent claims 1

and 13 are allowable. Further, as claims 2-7 depend from claim 1, these claims are also allowable. Therefore, a withdrawal of the rejection of claims 1-7 and 13 under 35 U.S.C. § 102(e) is both warranted and earnestly solicited.

CONCLUSION

For the reasons stated above, claims 1-13 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,



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